

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY - NEWARK**

UNITED STATES OF AMERICA,

**Consent Order of Release Upon
Conditions**

-vs-

**BRAULIO ARIAS RIVERA,
Defendant.**

2010Cr802(DMC)

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Upon the consent of the Parties hereto, and the conditions set forth below, and upon a finding that release on personal recognizance or unsecured bond will not reasonably assure the appearance of the defendant or the safety of the community, it is hereby ORDERED:

that the defendant, Braulio Arias-Rivera, shall be released pending trial pursuant to 18 U.S.C. Section 3142(c), upon the following conditions:

(a) The defendant shall remain in the custody of Braulio Arias and Zoila Arias, both of whom agree to assume supervision of the defendant and will reasonably assure the appearance of the defendant as required and that he will not pose a danger to the community;

(b) The defendant shall surrender his passport to pre-trial services and may not apply for a replacement passport;

(c) The defendant shall be under the supervision of pre-trial services, and shall report regularly to pre-trial services;

(d) The defendant shall refrain from possessing a firearm, destructive device or

other dangerous weapon:


(e) The defendant shall refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance as defined in section 102 of the Controlled Substances Act, without a prescription by a licensed medical practitioner;

(f) Braulio Arias and Zoila Arias shall execute an agreement to forfeit, upon the defendant's failing to appear as required, \$300,000.00 by bond secured upon the equity held in following property: The property located at 200 Marshal Street, Elizabeth New Jersey, which has been investigated by pre-trial services, and a \$15,000.00 cash deposit to be made with the Court;

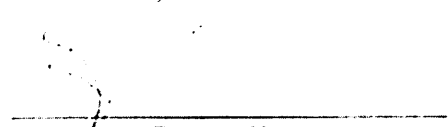
(h) The defendant shall be confined to home detention with electronic monitoring provided by pre-trial services. The defendant shall not leave such residence except to travel to court, meetings with his attorneys, medical treatments and activities pre-approved by pre-trial services;

(h) The defendant shall not travel outside of New Jersey for any reason without pre-approval from the Court and pre-trial services.

(i) The defendant shall not commit a Federal, State or local crime during the period of release and shall cooperate with the collection of a DNA sample if such is authorized under Section 3 of the DNA Analysis Backlog Elimination Act;



Brooke Carey, Assistant United
States Attorney



Ramon A. Pagan, Esq.
Counsel for Defendant

Advice of Penalties and Sanctions

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 U.S.C. § 3148, and a prosecution for contempt as provided in 18 U.S.C. § 401 which could result in a possible term of imprisonment and/or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not less than two years nor more than ten years, if the offense is a felony; or term of imprisonment of not less than ninety days nor more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself.

18 U.S.C. § 1503 makes it a criminal offense punishable by up to five years in jail and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 U.S.C. § 1510 makes it a criminal offense punishable by up to ten years in prison and a \$250,000 fine to tamper with a witness, victim or informant; and 18 U.S.C. § 1513 makes it a criminal offense punishable by up to ten years in jail and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 U.S.C. § 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for:

(1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;

(2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;

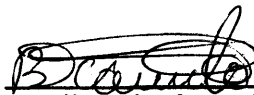
(3) any other felony, the defendant shall be fined not more than \$250,000 and imprisoned not more than two years, or both;

(4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

Acknowledgement of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Braulio Arias-ivera, Defendant

SO ORDERED:



Honorable Dennis M. Cavanaugh